

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK
NEW YORK DIVISION

JOE HAND PROMOTIONS, INC.,

Plaintiff,

ORDER OF JUDGMENT

-against-

KEILY NUNEZ Individually, and as officer, director,
shareholder and/or principal of 565 WEST SIDE CAFÉ,
CORP d/b/a 207 PRIME BAR AND GRILL,

Civil Action No.
7:22-CV-10849-KMK

and

565 WEST SIDE CAFÉ, CORP d/b/a 207 PRIME BAR
AND GRILL,

Defendants.

The Summons and Complaint in this action were duly served upon the Defendants KEILY NUNEZ Individually, and as officer, director, shareholder and/or principal of 565 WEST SIDE CAFÉ, CORP d/b/a 207 PRIME BAR AND GRILL on February 8, 2023 and 565 WEST SIDE CAFÉ, CORP d/b/a 207 PRIME BAR AND GRILL, on January 4, 2023; see ECF Nos. 11 and 12, respectively. Defendants failed to plead or otherwise appear in this action and default was entered by the Clerk in respect to both Defendants on March 10, 2023, via ECF Nos. 16, and 17, respectively.

The Plaintiff elected to file and serve an Amended Complaint in this action to include Plaintiff's claims arising under 47 U.S.C. §553 and §605. Plaintiff's First Amended Complaint was filed on May 1, 2023 as ECF #18 to include these separate The Plaintiff effectuated service of the Second Summons and First Amended Complaint on Defendant 565 WEST SIDE CAFÉ, CORP d/b/a 207 PRIME BAR AND GRILL on -2-

August 8, 2023 by leaving true copies with Sue Zoucky an authorized agent in the Office of the Secretary of State. See ECF #41. The Plaintiff effectuated service of the Second Summons and First Amended Complaint on Defendant KEILY NUNEZ by leaving true copies with Joe Castillo, a person of suitable age and discretion on September 8, 2023. Defendants failed to plead or otherwise appear in this action and default was entered by the Clerk in respect to both Defendants for failure to Answer the Amended Complaint on July 13, 2023, via ECF Nos. 49, and 50, respectively.

NOW, on application via Order to Show Cause of Julie Cohen Lonstein, Esq. of Lonstein Law Office, P.C., attorneys for the Plaintiff, it is hereby

ORDERED AND ADJUDGED that JOE HAND PROMOTIONS, INC., the Plaintiff, does recover of Defendants, jointly and severally as follows:

KEILY NUNEZ, as follows:

- 1) TEN THOUSAND DOLLARS (\$10,000.00) pursuant to 47 U.S.C. § 605(e)(3)(C)(i)(II) and
- 2) TEN THOUSAND DOLLARS (\$10,000.00) pursuant to 47 U.S.C. § 605(e)(3)(C)(ii), for Defendant's willful violation of 47 U.S.C. § 605(a);
- 3) FOUR THOUSAND SIX HUNDRED TWENTY FIVE DOLLARS (\$4,625.00) pursuant to 17 U.S.C. § 504(c)(1); and
- 4) THIRTEEN THOUSAND EIGHT HUNDRED SEVENTY FIVE DOLLARS (\$13,875.00) pursuant to 17 U.S.C. § 504(c)(2), for Defendant's willful violation of 17 U.S.C. § 501; and

- 5) FIVE THOUSAND NINE HUNDRED THIRTY NINE DOLLARS and FIFTY CENTS (\$5,939.50) pursuant to 47 U.S.C. § 605(e)(3)(B)(iii), for total costs and attorney's fees.

AND Further against 565 WEST SIDE CAFÉ, CORP d/b/a 207 PRIME BAR AND GRILL, as follows:

- 6) TEN THOUSAND DOLLARS (\$10,000.00) pursuant to 47 U.S.C. § 605(e)(3)(C)(i)(II) and
- 7) TEN THOUSAND DOLLARS (\$10,000.00) pursuant to 47 U.S.C. § 605(e)(3)(C)(ii), for Defendant's willful violation of 47 U.S.C. § 605(a);
- 8) FOUR THOUSAND SIX HUNDRED TWENTY FIVE DOLLARS (\$4,625.00) pursuant to 17 U.S.C. § 504(c)(1); and
- 9) THIRTEEN THOUSAND EIGHT HUNDRED SEVENTY FIVE DOLLARS (\$13,875.00) pursuant to 17 U.S.C. § 504(c)(2), for Defendant's willful violation of 17 U.S.C. § 501; and
- 10) FIVE THOUSAND NINE HUNDRED THIRTY NINE DOLLARS and FIFTY CENTS (\$5,939.50) pursuant to 47 U.S.C. § 605(e)(3)(B)(iii), for total costs and attorney's fees.

and it is further,

ORDERED AND ADJUDGED that pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, there is no just reason for delay in this Default Judgment as the interests of justice require the issuance of judgment as requested without further delay.

Dated: November 20, 2023



HON. KENNETH M. KARAS
United States District Judge